

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

HUNTINGTON INSURANCE, INC.,

Plaintiff,

Case No. 3:09 CV 1932

-vs-

MEMORANDUM OPINION  
AND ORDER

WILLIAM LARKIN, et al.,

Defendant.

KATZ, J.

This matter is presently before the Court on the Defendant's motion to dismiss (Doc. 20) for lack of subject-matter jurisdiction. Defendant maintains that the amount in controversy in this action is less than \$75,000. The motion will be denied.

"[T]he general rule in diversity cases [is] that the amount claimed by a plaintiff in his complaint determines that amount in controversy, unless it appears to a legal certainty that the claim is for less than the jurisdictional amount." *Golden v. Gorno Bros., Inc.*, 410 F.3d 879, 884 (6th Cir. 2005). At this very early stage of the litigation, Defendant has not met his burden of showing, to a *legal certainty*, that Plaintiff's claim is for less than \$75,000. The motion to dismiss is therefore denied.

IT IS SO ORDERED.

s/ David A. Katz  
DAVID A. KATZ  
U. S. DISTRICT JUDGE